IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO : 10696 of 1997

Between:

Battula Saibaba, S/o. Late Kotaiah, R/o. Kistaram, Sattupally Mandal, Khammam District.

..... PETITIONER

AND

1 The District Collector, Khammam.
2 The Revenue Divisional Officer, Khammam.
3 The Mandal Revenue Officer,
Sattupally Mandal, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction particularly one in the nature of Writ of Mandamus declaring the action of the respondents in trying to interfere and laying road through the petitioner's land to an extent of 6 acres 22 guntas in survey No. 22/2 of Cherukupalli Village, Sattupally Mandal, Khamma District Without acquiring the same through due process of law, as totally illegal, with out jurisdiction and violative of article 300-A of the constitution and consequently restrain the respondents from interfering with petitioner's land and laying the road through it to an extent of 6 acres and 22 guntas in Sy.No. 22/2 of Cherukupalli Village, Sattupally Mandal, Khammam District except through due process of law.

Counsel for the Petitioner: MR.S.LAKSHMA REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

This writ petition has been field seeking to issue a writ, order or direction particularly one in the nature of Writ of Mandamus declaring the action of the respondents in trying to interfere and laying the road through petitioner's land admeasuring Ac.6-22 guntas situate in Sy.No.22/2, Cherukupalli village, Sattupally Mandal, Khammam District without acquiring the same through due process of law as illegal, without jurisdiction and violative of article 300-A of the Constitution of India and consequently, to restrain the respondents from interfering with his land and laying the road and pass such other suitable orders.

In the counter affidavit, it is specifically stated that no proposals had been initiated by the 3rd respondent for formation of the road through the petitioner's land and there is no proposal for acquisition of land for formation of the road in Cherukupally village.

It is needless to say that in view of the stand taken in the counter affidavit filed by the respondents, the writ petition was filed only on a mere apprehension.

In the light of the specific stand taken in the counter affidavit, no orders need be passed in the present writ petition and accordingly the writ petition is dismissed. No order as to costs.

20-12-2004

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To

1 The District Collector, Khammam.
2 The Revenue Divisional Officer, Khammam.
3 The Mandal Revenue Officer,
Sattupally Mandal, Khammam District.

4 Two CCS to GP for Revenue, High Court buildings, Hyderabad

(OUT)

5 Two CD copies.